



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 21 नवम्बर, 1970/30 कार्तिक, 1892

GOVERNMENT OF HIMACHAL PRADESH

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-2, the 9th November, 1970

No. 1-12/70-LSG.—In exercise of the powers conferred by sections 255 and 273 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968), the Administrator (Lieutenant Governor), Himachal Pradesh, proposed to make the following draft rules entitled as the 'Municipal Employees (Conduct) Rules, 1970', and the same are hereby published in the Official Gazette for the information of persons likely to be affected thereby and a notice is hereby given that these draft rules will be taken into consideration after 30 days from the date of publication in the Gazette.

If any person affected thereby desires to make any objection, or has any suggestion to make, regarding these draft rules, he can send the same to the Secretary, Local Self Government Department to Himachal Pradesh Government, before the expiry of the above period. The objection or suggestions, if any, so received, will be taken into consideration before making such rules.

MUNICIPAL EMPLOYEES (CONDUCT) RULES

1. (1) These rules may be called the "Municipal Employees (Conduct) Rules, 1970.
- (2) They shall come into force at once.
- (3) They shall apply to all municipal services and posts in connection with the affairs of Municipal Committees.
2. In these rules, unless the context otherwise requires,—
 - (a) "Competent Authority" means the authority competent under the law for the time being in force to make appointments and order removal of the municipal employees.
 - (b) "Government" means the Government of Himachal Pradesh.
 - (c) "Municipal Employees" means any person appointed to any service or post in connection with the affairs of the Municipal Committee established under the Himachal Pradesh Municipal Act, 1968 or Simla Municipal Corporation constituted under the Capital of Himachal Pradesh (Development and Regulation)

Short title,
commence-
ment and
application.

Definitions.

Act, 1968 or any other Municipal Corporation constituted under any other enactment made in this behalf.

- (d) "Municipality" means a Municipal Committee or Notified Area Committee or Municipal Corporation established by or under the Himachal Pradesh Municipal Act, 1968 or Municipal Corporation established by or under the Capital of Himachal Pradesh (Development and Regulation) Act, 1968 or any other Municipal Corporation constituted under any other enactment made in this behalf.
- (e) "Members of family" in relation to a Municipal employee includes—
- (i) the wife or the husband, as the case may be of the municipal employee, whether residing with the municipal employee or not but does not include a wife or husband, as the case may be, separated from municipal employee by a decree or order of the competent court;
 - (ii) son or daughter or step-son or step-daughter of the municipal employee and wholly dependent on him, but does not include a child or step child who is no longer in any way dependent on the municipal employee or of whose custody the municipal employee has been deprived by or under any law;
 - (iii) any other person related, whether by blood or marriage, to the municipal employee or to the municipal employee's wife or husband and wholly dependent on the municipal employee,
- (f) "Prescribed Authority" means the authority under the law for the time being in force to make appointments and order removal of the municipal employee,
- (g) words and expressions used but not defined in these rules shall have the meaning assigned to them in respective Acts.

General.

3. Every municipal employee shall at all times—

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a municipal employee.

(2) (i) Every municipal employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all municipal employees for the time being under his control and authority;

(ii) No municipal employee shall, in the performance of his official duties or in the exercise of powers conferred on him act otherwise than in his best judgement except when he is acting under the direction of his official superior and shall, where he is acting under direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

Explanation.—Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a municipal employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. (1) No municipal employee shall use his position or influence directly or indirectly to secure employment for any member of his family in any private undertaking.

(2) (i) No municipal employee shall, except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any private undertaking with which he has official dealings or in any other undertaking having official dealings with the Government:

Provided that where the acceptance of the employment can not await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A municipal employee shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any private undertaking, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that undertaking:

Provided that no such intimation shall be necessary in the case of the municipal employee, if he has already obtained the sanction of, or sent report to the Government under clause (i).

(3) No municipal employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any undertaking or any other person if any member of his family is employed in that undertaking or under that person or if he or any member of his family is interested in such matter of contract in any other manner and the municipal employee shall refer every such matter or contract to his superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

Employment of near relatives of municipal employees in private undertaking enjoying Municipal Committee patronage.

5. (1) No municipal employee shall be a member of, or be otherwise associated with any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

Taking part in politics and elections.

(2) It shall be the duty of every municipal employee to endeavour to prevent any member of his family from taking part in subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a municipal employee is unable to prevent a member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity he shall make report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No municipal employee shall canvass or otherwise canvass, interfere with, or use his influence in connection with or take part in, an election to any legislative or local authority:

Provided that—

(i) a municipal employee, qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) A municipal employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Explanation.—The display by a municipal employee on his person, vehicle or resident of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

6. No municipal employee shall join, or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

Joining of Associations by municipal employees.

7. No municipal employee shall—

Demonstration and strikes.

(i) engage himself or participate in any demonstration which is prejudicial to the interests of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public orders, decency or morality, or which involves contempt of Court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or the service of any other municipal employee.

8. (1) No municipal employee shall, except with the previous sanction of the Government own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

Connection with Press or Radio.

(2) No municipal employee shall, except with the previous sanction of Municipality except in the case of Executive Officer and Secretary, Local Self Government Department, Himachal Pradesh in the case of Executive Officer, or in the *bona fide* discharge or his duties, participate in a radio broadcast or contribute any article or write any letter either in his own name or anonymously pseudonymously or in the name of any other person to any newspaper or periodicals:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

9. No municipal employee shall, in any radio broadcast or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in public utterance make any statement of fact or opinion:—

Criticism of Government or Municipal Committee.

(i) which has the effect of any adverse criticism of any current policy or action of Government of India, Government of Himachal Pradesh, or any other State Government, or Municipality;

(ii) which is capable of embarrassing the relations between the Government and the Government of India or the Government of any other State in India, or Municipality; and

(iii) which is capable of embarrassing the relations between the Government of India or the Government and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statements made or views expressed by a municipal employee in his official capacity or in the due performance of the duties assigned to him.

Evidence before Committee or any other authority.

10. (1) Save as provided in sub-rule (3), no municipal employee shall, except with the previous sanction of the Government, or the Municipality give evidence in connection with any enquiry conducted by any person, Committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no municipal employee giving such evidence shall criticise the policy or any action of the Government of India, Government of Himachal Pradesh or any other State Government or Municipality.

(3) Nothing in this rule shall apply to—

- (a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature, or Municipality; or
- (b) evidence given in any judicial enquiry; or
- (c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government or Municipality.

Unauthorised communication of information.

11. No municipal employee shall, except in accordance with any general or special order of the Government or Municipality or in the performance in good faith of the duties assigned to him communicate directly or indirectly, any official document or any part thereof or information to any municipal employee or any other person to whom he is not authorised to communicate such document or information.

Explanation.—Quotation by a municipal employee in his representations to the Head of office or Head of Department or Lieutenant Governor, Himachal Pradesh, or Government or any officer subordinate to Government of or from any letter, circular or office memorandum, or from the notes on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purpose, shall amount to un-authorised communication of information within the meaning of this rule.

Subscriptions.

12. No municipal employee shall, except with the previous sanction of the President/Administrator of the Municipality ask for or accept contribution to, or otherwise associate himself with the raising of any funds or other collection in cash or in kind in pursuance of any object what-so-ever.

Gifts.

13. (1) Save as otherwise provided in these rules, no municipal employee shall accept or permit, any member of his family or any person acting on his behalf to accept, any gift, gratuity, or reward or any offer of a gift, gratuity or reward.

Explanation.—The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Municipality.

Note.—(i) A casual meal, gift or other social hospitality shall not be deemed to be gift.

(ii) Municipal employee shall avoid accepting lavish hospitality from any individual having official dealings with him or from industrial or commercial firms, organisations, etc.

(2) On occasions, such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a municipal employee may accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds—

(i) Rs. 500 in the case of Secretary, Executive Officer, Municipal Engineer, Health Officer, Sanitary Inspector, Municipal Forest Officer and Municipal Overseer;

(ii) Rs. 250 in the case of other Class III municipal employees;

(iii) Rs. 100 in the case of all Class IV municipal employees.

(3) On such occasions as are specified in sub-rule (2), a municipal employee may accept gifts from his personal friends having no official dealings with him but he shall make a report to the Government if the value of any such gift exceeds—

(i) Rs. 200 in case of Secretary, Executive Officer, Municipal Engineer, Health Officer, Sanitary Inspector, Municipal Forest Officer and Municipal Overseer;

(ii) Rs. 100 in the case of all other Class III municipal employees;

(iii) Rs. 50 in the case of all other Class IV municipal employees;

(4) In any other case, municipal employee shall not accept any gift without the sanction of the Government if the value thereof exceeds—

(i) Rs. 75 in the case of Secretary, Executive Officer, Municipal Engineer, Health Officer, Forest Officer, Sanitary Inspector and Municipal Overseer;

(ii) Rs. 25 in the case of other Class III and IV employees;

Public demonstration in honour of municipal employees,

14. No municipal employee shall, except with the previous sanction of the Government in the case of Administrator, Secretary, Executive Officer of Municipalities and of the Municipality in other cases, receive any complimentary or validictory address or accept any testimonial or attend any meeting or entertainment held in the honour of any other municipal employee;

Provided that nothing in this rule shall apply to—

- (1) A farewell entertainment of a substantially private and informal character held in honour of a municipal employee or any other municipal employee on the occasion of his retirement or transfer of any person who has recently quitted the service of any municipality, or
- (2) the acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

Note.—Exercise of pressure or influence of any sort on any municipal employee to induce him to subscribe towards any farewell entertainment even if it is of a substantially private or informal character, and the collection of subscriptions from municipal employees under any circumstances for the entertainment of any municipal employee not belonging to their category, is forbidden.

15. (1) No municipal employee shall except with the previous sanction of Government in the case of Administrator/Secretary/Executive Officer and of Municipality in other cases, engage directly or indirectly in any trade or business or undertake any other employment:

Private Trade or employment.

Provided that a municipal employee may, without such sanction, undertake honorary work of social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer, but he shall not undertake or shall discontinue such work if so directed by the Government.

Explanation.—Canvassing by a municipal employee in support of the business insurance agency, commission agency, etc., owned or managed by his wife or any other member of his family shall be deemed to be breach of this sub-rule.

(2) No municipal employee shall, without the previous sanction of the Government in the case of Administrator/Executive Officer/Secretary/Municipal Engineer/Municipal Forest Officer/Health Officer/Sanitary Inspector/Overseer and the Municipality in other cases, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company which is required to be registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force or any Co-operative Society for commercial purposes:

Provided that a municipal employee may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of municipal employees registered under the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969) or any other law for the time being in force, or of a literary, scientific or charitable society registered under the Societies Registration Act, 1860 (21 of 1860), or any corresponding law in force.

(3) No municipal employee may accept any fee for any work done by him for any public body or any private person without the sanction of the prescribed authority.

16. (1) No municipal employee shall speculate in any stock, share or other investment.

Investment, lending and borrowing.

Explanation.—Frequent purchase or sale or both of shares securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(2) No municipal employee, shall make, or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule (2), the decision of the Government thereon shall be final.

(4) (i) No municipal employee shall, save in the ordinary course of business with a bank or a firm of standing duly authorised to conduct banking business, either himself or through any member of his family or any other person acting on his behalf—

(a) land or borrow money as principal or agent, to or from any person within the local limits of his authority or with whom he is likely to have official dealings, or otherwise place himself under any pecuniary obligation to such person, or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a municipal employee may, give to, or accept from a relative or a personal friend, purely temporary loan of a small amount free of interest, or operate a credit account with a *bona fide* tradesman or make an advance of pay to his private employee.

(ii) When a municipal employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4) he shall forthwith report the circumstances to the Government/Municipality and the case may be and shall thereafter act in accordance with such order as may be made by such authority.

Insolvency and habitual indebtedness.

17. A municipal employee shall so manage his private affairs as to avoid habitual indebtedness, or insolvency. A municipal employee against whom any legal proceeding is instituted for the recovery of any debt due from him or of adjudging him as an insolvent shall forthwith report the full facts of the legal proceeding to the Government or the Municipality, as the case may be.

Note.—The burden of proving that the insolvency or indebtedness was the result of circumstances with the exercise of the ordinary diligence, the municipal employee would not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habit, shall be upon the municipal employee.

Movable, immovable and valuable property.

18. (1) Every municipal employee shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government, submit a return of his assets and liabilities to Government/Municipality as the case may be, in such form as may be prescribed by the Government, giving the full particulars regarding—

- (a) the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him;
- (d) debts and other liabilities incurred by him directly or indirectly.

Notes.—(I) Sub-rule (1) shall not ordinarily apply to Class IV municipal employees, but the Government may direct that it shall apply to any such municipal employee.

(II) In all returns, the value or items of movable property worth less than Rs. 1,000 may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

(III) Every municipal employee who is in service on the date of commencement of these rules shall submit a return under this sub-rule on or before such date as may be specified by the Government after such commencement.

(2) No municipal employee shall except with the previous knowledge of the Government/Municipality as the case may be, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the prescribed authority shall be obtained by the municipal employee if any such transaction is—

- (i) with a person having official dealings with the municipal employee; or
- (ii) otherwise than through a regular or reputed dealer.

(3) Every municipal employee shall report to the Government/Municipality as the case may be, every transaction concerning movable property owned or held by him either in his own name or in the name of a member of his family, if the value of such property exceeds Rs. 1,000 in the case of Class III employees and Rs. 500 in the case of Class IV employees:

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is—

- (i) with a person having official dealings with the municipal employee; or
- (ii) otherwise than through a regular or reputed dealer.

(4) The Government/Municipality, as the case may be, at any time, by general or special order require a municipal employee to furnish, within a period specified in the order, a full and complete statement of such movable and immovable property held or acquired by him on his behalf or by any member of his family as may be prescribed in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

(5) The Government may exempt any category of municipal employees belonging to Class III and IV services from any of the provisions of this rule except sub-rule (4).

Explanation.—For the purpose of this rule,—

(1) expression “movable property” includes—

- (i) Jewellery, insurance policies the annual premia of which exceed Rs. 1,000 one-sixth of the total emoluments received from the Municipality whichever is less, shares, securities and debentures;
- (ii) loans advanced by such municipal employee whether secured or not;
- (iii) motor cars, motor cycles, horses, or any other means of conveyance; and
- (iv) refrigerators, radios and radiograms.

19. (1) No municipal employee shall, except with the previous sanction of Government/Municipality as the case may be, have recourse to any court or to the press for vindication of any official act which has been the subject matter of adverse criticism or on attack of a defamatory character.

Vindication of acts and character of municipal employees.

(2) Nothing in this rule shall be deemed to prohibit a municipal employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any action done by him in private capacity, is taken, the municipal employee shall submit a report to the prescribed authority regarding such action.

20. No municipal employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service under the Municipality:

Canvassing of non-official or other influence.

Provided that the municipal employee may seek interview with Members or Government or Parliament, Secretaries to Government or Secretariat Officers with the previous approval and sanction of the competent authority obtained through proper channel.

21. No municipal employee shall be allowed to ventilate through the press any personal or general grievances relating to the service.

Ventilating grievance through the press.

22. (1) No municipal employee who has a wife living shall contract another marriage without first obtaining the permission of the Government notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

Bigamous marriages.

(2) No female Municipal employee shall marry any person who has a wife living without first obtaining the permission of the Government.

23. A municipal employee shall—

Consumption of intoxicating drinks and drugs.

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) take due care that the performance of his duties is not affected in any way by the influence of any intoxicating drink or drug;

(c) not appear in a public place in a state of intoxication;

(d) not habitually use any intoxicating drink or drug too excess.

24. If any question arises relating to the interpretation of these rules, it shall be referred to the Secretary to the Government of Himachal Pradesh, local Self Government, whose decision thereon shall be final.

Interpretation.

25. These rules shall be general for all municipalities.

Rules to be general.

26. Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Municipal employees to whom these rules apply are hereby repealed:

Repeal and Saving.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order,
D. B. LAL,
Secretary.

